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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,584	03/29/2001	James F. Riordan	CH920000010US1	3499

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,584

Applicant(s)

RIORDAN ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 30-38 are pending.
2. Amendment filed 04/22/2006 with a petition to revive prosecution has been received and considered.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/22/2006 has been entered.

Claim Objections

4. Claim 1 is objected to because of the following informalities: line 5 the word "form" should be "from". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 30, 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Norton (Norton AntiVirus for Windows 95/98 User's Guide).

As per claims 30 and 33, Norton discloses a security system comprising: an activation token identifying system characteristics and specifying a threat level and at least one preset activation measure (see pages 37-40); a first system configured to at least review security and vulnerability information from information publishers and to provide the activation token based on filtered security and vulnerability information (see pages 37-40 and page 56); and a second system configured to determine whether the activation token is relevant by checking if actual characteristics at the second system correspond to the system characteristics identified by the activation token, the second system further configured to transform the activation token into at least one activation measure if the activation token is considered relevant by the second system the activation measure configured to modify services executing at the second system (see pages 37-40).

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As per claim 34, Norton discloses a list of trusted service providers from whom activation tokens are accepted by the second system (see pages 37-40).

As per claim 35, Norton disclose the at least one preset activation measure is shutting down a service affected by the specified threat level (see pages 29-30).

As per claim 36, Norton discloses the at least one preset activation measure is reconfiguring the functionality of a service affected by the specified threat level (see pages 29-31 and pages 37-40).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claim 30 above, in view of Bates et al (US 6721721).

As per claim 32, Norton fails to disclose cryptographic means configured to verify at the second system that the first system is a trusted service.

However, Bates et al teaches the use of cryptographic verification (see column 14 line 62 through column 15 line 8).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use cryptographic verification in the Norton system.

Motivation to do so would have been to authenticate the information and the sender of the information (see Bates et al column 14 line 62 through column 15 line 8).

9. Claims 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claim 30 above, in view of Levi (US 6636983).

As per claims 32 and 38, Norton fails to disclose reporting or alerting an administrator of the activation measures.

However, Levi teaches the notification of an administrator upon activation measures (see column 12 lines 10-19).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to report an administrator of the activation measures in the Norton system.

Motivation to do so would have been to track the changes to the system (see column 12 lines 10-19).

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10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claim 30 above, in view of Waldin et al (US 6651249).

As per claim 37, Norton fails to disclose installing a patch.

However, Waldin et al teaches the installation of a patch (see column 4 lines 25-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for an activation measure in Norton to be the installation of a patch.

Motivation to do so would have been to transform a previous version of the software application to the current version (see column 4 lines 25-60).

Response to Arguments

11. Applicant's arguments with respect to claims 30-38 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's arguments filed 04/22/2006 have been fully considered but they are not persuasive. Applicant argues that Norton is not concerned with system characteristics because updating is not a system characteristic. With respect to this argument an update changes the system and therefore changes the

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characteristics of that system. Therefore Norton relates to system characteristics.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER